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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/780,528 ✓
	Filing Date	February 9, 2001
	First Named Inventor	Robert W. Gilbert et al.
	Art Unit	2875 ✓
	Examiner Name	Mark Tsidulko
Total Number of Pages in This Submission	Attorney Docket Number	SCH-00027-PRA

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Warn, Burgess & Hoffmann, P.C. Philip R. Warn - Reg No. 32775	
Signature		
Date	August 26, 2003	

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/780,528  
Filing Date: February 9, 2001  
Applicant: Robert W. Gilbert et al.  
Group Art Unit: 2875  
Examiner: Mark Tsidulko  
Title: EXTERIOR MIRROR  
Attorney Docket: SCH-00027-PRA

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**REQUEST FOR WITHDRAWAL OF THE FINALITY OF THE OFFICE ACTION  
AND AMENDMENT IN RESPONSE TO OFFICE ACTION**

Sir:

This is in response to the Examiner's Final Action dated June 26, 2003 to which a response is due by August 26, 2003 in order to provoke an Advisory Response from the Examiner in accordance with MPEP § 706.07(f). Please amend the above-identified application as follows:

**Request for Withdrawal of the Finality of the Office Action** begins on page 2 of this paper.

**Amendments to the claims** are reflected in the listing of claims which begins on page on page 3 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

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## REQUEST FOR WITHDRAWAL OF THE FINALITY OF THE OFFICE ACTION

The Examiner has rejected un-amended claim 1 of the subject application over old art previously cited in the prosecution of the application. The MPEP § 706.07(a) in pertinent part states:

Under present practice, second or any subsequent actions on the merits shall be final, except when the examiner introduces a new ground of rejection that is **neither necessitated by applicant's amendment of the claims** nor based on information submitted in an Information Disclosure Statement filed during the period set forth in 37 CFR 1.97(c)...

Applicant asserts that the finality of the Office Action was improper since the Examiner's § 103 rejection of claim 1 based on the obviousness of the Pastrick reference was improper, since it was a new ground for rejection that was **NOT** necessitated from Applicant's amendment of the claims. Note that in the Amendment and Response to Office Action filed on May 12, 2003, claim 1 was not amended. Therefore, the Office Action has introduced new grounds for rejection that based off of a claim that has not been amended. Applicant respectfully requests reconsideration of the finality of the Examiner's rejection and requests withdrawal of the same.